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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/290,150 04/12/99 MOON

J 1351.00011

EXAMINER

QM02/0421

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PELHAM, J

ART UNIT

PAPER NUMBER

3742

DATE MAILED:

04/21/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/290,150**

Applicant(s)  
**Moon et al**

Examiner  
**Joseph Pelham**

Group Art Unit  
**3742**



☒ Responsive to communication(s) filed on 13 Dec 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14, 18, and 19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-14 and 18 is/are allowed.

☒ Claim(s) 19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3742

1. The Examiner acknowledges Applicant's submission of the amendment filed 3-13-2000. Claims 1-14, 18, and 19 are now pending.

***Claim Rejections - 35 USC § 103***

2. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5465651 Erickson et al in view of U.S. Patents 5217545 to Smith et al and 5338616 to Ishii et al.

The claim differs from Erickson et al in calling for an Incoloy 840 and oxide heater composition.

Smith et al discloses an Incoloy 840 heater material (column 1, lines 36-39), and Ishii et al discloses heater coatings of the recited oxides (column 1, lines 28-36). It would have been obvious to one of ordinary skill in the art to utilize the heater material of Smith et al for its well known durability, and to apply a coating of oxides, after the manner of Ishii et al, since they are known to be highly efficient IR emitters. While such heater compositions are also known to have drawbacks, their use is thus well established.

***Allowable Subject Matter***

3. Claims 1-14 and 18 are allowed.

***Response to Arguments***


4. Applicant's arguments with respect to claim 19 have been considered but are moot in view of the new grounds of rejection. The examiner notes that the new grounds of rejection are offered in answer to Applicant's traversal of the rejection of claim 2, now the subject of claim 19.

***Conclusion***

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication should be directed to Joseph Pelham at telephone number (703) 308-1709, or fax (703) 308-7764.

  
Joseph Pelham  
Primary Patent Examiner  
Art Unit 3742

JP

April 20, 2000